

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANTON F. LIVERPOOL,

Plaintiff,

-v.-

CAPTAIN DAVIS, Shield #1282;
OFFICER GREEN, Shield #7507;
OFFICER LARAQUE, Shield #3665;
CAPTAIN KISTE, Shield #958; and
CORRECTION OFFICER LLARCH,
Shield #3352,

Defendants.

17 Civ. 3875 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

By Order dated January 8, 2021, trial in this matter was scheduled to commence on August 9, 2021. (Dkt. #111). Later that month, the Court granted Plaintiff's request for the appointment of *pro bono* counsel (Dkt. #113), and beginning on May 26, 2021, counsel from the Quinn Emanuel firm entered notices of appearance on Plaintiff's behalf (*see* Dkt. #114, 116, 117). By Order dated June 2, 2021, the Court advised the parties that trial in the matter would begin on August 10, 2021, and that this date had been set using the District's centralized calendaring system. (Dkt. #115). Thereafter, Plaintiff's counsel argued for a limited reopening of discovery, and the Court agreed by Order dated June 22, 2021. (Dkt. #124). The Court has made clear to the parties, however, that such discovery is to be conducted in a manner that will not interfere with the trial date.

A key issue at trial concerns an incident that is alleged to have occurred at Pens 1-6 in the Main Intake Area of 16-00 Hazen Street, on or about July 10, 2014. Both sides concede the importance of this video — not merely to the trial, but also as a necessary precursor to the limited discovery that the Court has ordered on an expedited schedule. The Court was therefore understandably concerned to learn, today, that neither side possesses a copy of the video; the original of the video remains in the possession of the New York City Department of Correction (“DOC”), which previously produced a copy to Defendants.

It is imperative that this video be located and produced at once, so that both sides can comply with the Court’s orders regarding discovery and trial. **Accordingly, the Court ORDERS the DOC to provide a copy of all video related to the incident occurring on or about July 10, 2014, at Pens 1-6 in the Main Intake Area of 16-00 Hazen Street, which incident is at the heart of this litigation, to Defendants in care of their counsel on or before July 7, 2021.** Defendants shall serve this Order on the DOC promptly upon receipt. Defendants shall also produce this video to Plaintiff immediately upon receipt from the DOC.

SO ORDERED.

Dated: July 1, 2021
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Failla".

KATHERINE POLK FAILLA
United States District Judge